

Office of Professional Accountability (OPA) Commendations & Complaints Report April – May – June 2010

Commendations:

Commendations Received in March - May: 19

Commendations Received to Date: 27

Officer Ryan Huteson	Citizen commends Officer Huteson for being “very professional, understanding, informative, helpful, and thorough” while assisting victim with a sensitive situation that the reporting party found difficult to report. Citizen comments, “Officer Huteson couldn’t have represented the police department better.”
Dispatcher Brenda Krause Officer Dan Bracher Officer Brian Shaw Officer Sean Jenkins Officer Albert Elliot Officer Wayne Johnson Officer Mark Mullens	Victim of a domestic violence assault commends the dispatcher handling the 911-call and all the responding officers for a “great job!”
East Precinct Officers	Community member commends the East Precinct in general for its officers’ overall response to “drug dealing, loitering, littering, and general disturbances” associated with a particular location in the precinct.
Sergeant Mark Hay Detective Mark Hanf Detective Kevin O’Keefe	Olympia Police Department thanks these investigators for sharing their skill, knowledge, and experience as the Olympia Police Department seeks to “develop and maintain a successful CSI Unit.”
Officer James Norton Detective J.W. Crumb	Veterinarian whose dog had been stolen commends Officer Norton and Detective Crumb for their “professionalism and sincerity” in conducting an interstate investigation that resulted in the return of the stolen dog.
Officer Dorie Scott	Victim of a crime commends Officer Scott for coordinating the response to her situation, which resulted in the arrest of the suspect.
Parking Enforcement Officer Linda Vantoza	Woman and her mother visiting Seattle for the first time became lost, had trouble using the parking meters, and needed guidance getting to the train station to pick up her father. Woman thanks PEO Vantoza for her kindness, “friendly smile,” and helpfulness, describing PEO Vantoza as a “wonderful ray of sunshine.”
Dispatcher Anissa Stewart	Victim of an auto theft commends Dispatcher Stewart for the effective and efficient handling of her situation, noting her friendliness and respectfulness during a troubling time.

Commendations:

Officer Christopher Gregorio	Community member, after reading in the media about a situation involving a suspicious vehicle, occupied by several passengers speeding away from Bicycle Officer Gregorio as he attempted to investigate the situation, commends Officer Gregorio for using restraint and prudent judgment by not shooting at the threatening vehicle when under the circumstances he may have been legally justified in so doing.
Officer Jorge Bourdon	Crime victim thanks Officer Bourdon for his professionalism and assistance when responding to her situation.
Detective Mike Ciesynski	Relative of a cold case homicide victim from 1969 thanks Homicide Detective Ciesynski for talking with her and providing information about the homicide that helped family members better deal emotionally with this tragic event in their family history.
Dispatcher Patricia Charleville	US soldier serving overseas thanks Dispatcher Charleville for the care package she sent him and for her work with school children also sending packages to US military personnel serving overseas. He describes Dispatcher Charleville as “truly an angel” and a “wonderful employee” for the Seattle Police Department.
Officer Jarrod Stone	Director of a youth and family services center commends Officer Stone for his calm, patient, and helpful approach to dealing with a very emotionally disturbed young man the service center was assisting. The Director also notes Officer Stone was “extremely helpful in de-escalating” the emotional situation.
Officer Joseph Elliott	Woman assisting her father and her mother confined to a wheelchair, crossing busy streets while entering and exiting Safeco Field, commends Officer Elliott for the respectful, thoughtful, and helpful manner in which he dealt with the special needs of her disabled mother. Officer Elliott is especially commended for going out of his way to make the woman’s mother feel welcome and special by not rushing her but by patiently assisting her and wishing her a Happy Mother’s Day.
Officer Cynthia Whitlatch	Victim of a burglary commends responding Officer Whitlatch for her courtesy and professionalism in handling the matter and notes Officer Whitlatch “served as a very good ambassador for the police department.”
Officer Mike Conners Officer Brian Blasé Officer Dale Giese	Victim of a crime commends Officers Conners, Blasé, and Giese for promptly arriving at her call for service, then for “diffusing the situation and making me feel safe.”

Commendations:

Officer Deanna Clouse Officer Matt Hurst Officer Andrew Wilkes Officer Jarrod Stone Officer Eric Walter	Parents of a teenager whom the officers stopped in a suspicious vehicle occupied by several other people, thanks the named officers for their recognition of the fact that their son had temporarily fallen in with a problematic group of people and for wisely separating him from the group and returning him to them. The parents appreciated the respectful way the officers dealt with the situation and assisted them.
Officer Katie Graves Officer Tomeka Williams Officer Dan Kirchmeier Lieutenant John Hayes	Officers Graves, Williams, Kirchmeier, and Lieutenant Hayes are commended for “reaching out to the deaf community in Seattle to improve interactions with and handling of deaf suspects.”
Planning & Development Specialist Maggie Olsen	Graduate of the Seattle Police Department’s Community Police Academy thanks Ms. Olsen for making the academy such “an extraordinary experience” for her and for helping her better understand “the wonderful work of the Seattle Police Department.”
Lieutenant Ken Hicks	An individual, whom Lieutenant Hicks dealt with 16-17 years ago while an officer, now commends Lieutenant Hicks for “steering me toward making better choices in life” and leading him to a life in which he gives back to the community. The now adult comments, “I love life now,” in large part due to the care and influence of Lieutenant Hicks. She notes she always wanted to thank Lieutenant Hicks . . . and now she has.

March – April – May 2010 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

STANDARDS OF CONDUCT: VIOLATION OF LAWS

Synopsis	Action Taken
Complainant and named off-duty officer became involved in a dispute over complainant's pickup truck blocking an alley and complainant alleged named officer intentionally broke the side mirror on his truck.	Allegation: Violation of Law (Property Damage)-- NOT SUSTAINED. Both the King County Prosecutor's Office and the City Law Department reviewed the facts of this case for possible criminal charges and did not find a basis to charge. The evidence in the case was insufficient to establish whether the alleged misconduct did or did not occur.
Complainant, who had leased property from named employee, alleged named employee was impersonating the identity of another person, operating a fraudulent real estate scam, and misusing Department computer e-mail for personal business.	Allegation #1: Administrative Violation of Law (Fraud) – UNFOUNDED Allegation #2: Misuse of Department E-mail System – SUPERVISORY INTERVENTION The evidence established named employee was not engaging in criminal activity but did violate the Department's e-mail system use policy by conducting personal business over the Department e-mail system. Corrective action: Named employee's supervisor counseled and instructed named employee on the appropriate use of the Department's e-mail system.
Evidence Section lieutenant asked for investigation when it was discovered some counterfeit watches that had been set aside for destruction were missing.	Allegation: Administrative Violation of Law (Theft) -- ADMINISTRATIVELY UNFOUNDED Unnamed employee After extensive investigation, including review of video tape and scene processing by the CSI Unit, no evidence was developed to either identify a possible responsible party or establish the alleged misconduct.
It is alleged named officer violated the provisions of a Temporary Restraining Order when he sent a text message to the complainant.	Allegation: Administrative Violation of Law (Violation of a Temporary Restraining Order) – SUPERVISORY INTERVENTION The evidence established that named officer likely inadvertently, when he pushed the wrong button on his phone, re-sent a message to the other party that he had lawfully sent months before. Corrective Action: Named employee's supervisor counseled and instructed named employee on the importance of observing the legal requirements of a TRO.

STANDARDS OF CONDUCT: VIOLATION OF LAWS

Synopsis	Action Taken
Named employee, a part-time civilian employee of the Department, is alleged to have been arrested for DUI and to have failed to advise the Department of the arrest.	<p>Allegation #1: Administrative Violation of Law (DUI) – SUSTAINED</p> <p>Allegation #2: Failing to Report the Arrest to the Department – SUSTAINED</p> <p>During a routine due diligence check of Department employees, it was discovered that named employee had been arrested for DUI and had not advised the Department of his arrest, as is required by Department policy.</p> <p>Corrective action: One-day suspension without pay for the DUI and written reprimand for failing to advise the Department of the arrest.</p>
Complainant, who is an SPD employee, alleged that named employee went beyond their established personal boundaries and engaged in unwanted sexual contact with her.	<p>Allegation: Administrative Violation of Law (Unwanted Sexual Contact) – ADMINISTRATIVELY UNFOUNDED</p> <p>The Department's Special Assault Unit conducted a full criminal investigation of the incident and the King County Prosecutor's Office reviewed the investigation. The evidence demonstrated that the complainant and named employee had engaged in an intimate relationship and that there was little evidence of unwanted contact.</p>
Complainant, named officer's girlfriend, alleged to a neighboring police jurisdiction that named officer, while off-duty, pushed her in the course of a disturbance between them at their residence in that jurisdiction.	<p>Allegation: Administrative Violation of Law (Domestic Violence) – NOT SUSTAINED</p> <p>Police department and prosecutor's office of the jurisdiction in which the alleged incident occurred thoroughly investigated and reviewed the incident and found insufficient evidence to support a criminal charge. Regarding the administrative investigation, the evidence did not support a finding whether the alleged misconduct occurred or not.</p>

STANDARDS OF CONDUCT: BIASED POLICING

Synopsis	Action Taken
Complainant alleged named officer engaged in biased policing when named officer responded to a reported stolen car matching the description of the car which her son was driving and her son's description.	<p>Allegation #1: Racial Profiling – EXONERATED</p> <p>Allegation #2: Arrest Procedure/Reporting – EXONERATED</p> <p>The evidence established named officer had lawful justification to stop the car being operated by complainant's son as a possible stolen vehicle.</p>

STANDARDS OF CONDUCT: COMMUNICATIONS/CONFIDENTIALITY

Synopsis	Action Taken
It is alleged that an unknown Department employee may have disclosed to the news media a confidential wanted bulletin on a possible suspect wanted in a high-profile homicide	<p>Unknown employee</p> <p>Allegation: Unauthorized Disclosure of Confidential Suspect Wanted Bulletin – ADMINISTRATIVELY INACTIVATED</p> <p>The evidence did not identify a possible employee and the investigation was de-activated pending the discovery of additional information.</p>

STANDARDS OF CONDUCT: INTEGRITY

Synopsis	Action Taken
Complainant, a suspect in a domestic violence assault against his girlfriend, alleged one of the responding officers to the assault began a dating relationship with complainant's former girlfriend and improperly used the Department's computer systems for personal reasons in a persistent effort to serve an arrest warrant on complainant.	<p>Allegation #1: Integrity/Conflict of Interest – SUSTAINED.</p> <p>Allegation #2: Misuse of Criminal Records System – EXONERATED.</p> <p>The evidence established that named officer developed a dating relationship with complainant's former girlfriend which, under the circumstances, created the appearance of a conflict of interest. The evidence also established that sufficient evidence existed to justify arresting the complainant for a domestic violence assault and that named officer did not misuse the criminal records system.</p> <p>Corrective action: One-day suspension without pay.</p>

STANDARDS OF CONDUCT: RULES/REGULATION

Synopsis	Action Taken
Five patrol officers investigating a recent robbery entered several units in an apartment complex into which suspects may have fled. Complainant, a resident of a unit entered by the officers, states they lacked authority to enter.	<p>Allegation: Improper Search – SUPERVISORY INTERVENTION for all five officers.</p> <p>Evidence demonstrated officers did not have a search warrant or an exception to the search warrant requirement to enter the apartment unit.</p> <p>Corrective action: Supervisor of named officers will provide training and counseling on Searches Policy & Procedures.</p>
Complainant, the driver of a car with his wife and two children as passengers, was the subject of a felony traffic stop by named officer who thought the car may have been involved in a very recent "shots fired" call. Complainant states named officer did not clearly articulate the justification for the stop.	<p>Allegation: Arrest Procedures/Failure to Notify a Supervisor – SUPERVISORY INTERVENTION</p> <p>The evidence demonstrated named officer acted reasonably when stopping complainant's car – and quickly determined it not to be the suspect car – but failed to comply with Department policy requiring named officer to notify a supervisor of such a stop.</p> <p>Corrective action: Supervisor of named officer advised and instructed named officer about the importance of clearly informing people stopped of the reason for the stop and of the importance of advising his supervisor of such a stop.</p>

STANDARDS OF CONDUCT: RULES/REGULATION

Synopsis	Action Taken
<p>Complainant's brother, a short time prior to the murder of a Seattle Police officer, had been released from jail where he had been held for making threats to kill police officers. Complainant alleged named officers lacked authority to enter her brother's apartment while looking for him in possible connection with the murder of the Seattle Police officer and that the officers used unnecessary force on her brother when taking him into custody.</p>	<p>Allegation #1: Unjustified Search – SUPERVISORY INTERVENTION</p> <p>Allegation #2: Unnecessary Use of Force – EXONERATED for both named officers.</p> <p>The evidence demonstrated that named officers used minimal, reasonable, and necessary force when taking suspect into custody. The evidence also established that while named officers may have believed they had exigent circumstances to enter apartment and that they were acting in good faith, named officers more likely lacked such justification and may have jeopardized possible evidence and placed themselves in avoidable danger by acting prematurely before obtaining a warrant and assistance from SWAT.</p> <p>Corrective action: Named officers received training and counseling regarding Department policy and tactical considerations in such circumstances.</p>
<p>The husband and wife owners of a neighborhood fitness facility complained that named officers, who were acting at the request of a neighboring police department to arrest a felony warrant suspect believed to be at the fitness facility, were rude and unjustified in searching the facility after they had told the officers the suspect was not present.</p>	<p>Named officer #1: Allegation: Improper Search – EXONERATED</p> <p>Named officer #2: Allegation #1: Improper Search – NOT SUSTAINED Allegation #2: Professionalism/Courtesy – SUPERVISORY INTERVENTION</p> <p>Named officer #3: Allegation: Improper Search – UNFOUNDED</p> <p>Named officer #4: Allegation #1: Improper Search – NOT SUSTAINED Allegation #2: Professionalism/Courtesy – UNFOUNDED</p> <p>The evidence, including statements from third-party witnesses, supported the findings above specific to the individually named officers.</p> <p>Corrective action: Training for the officer receiving the Supervisory Intervention findings addressing courtesy when dealing with people in stressful situations.</p>
<p>Complainant alleged named Parking Enforcement Officer, while on-duty and in-uniform, rode her PEO scooter outside the city limits to deliver personal legal papers to complainant. Complainant also alleged named PEO used inappropriate language.</p>	<p>Allegation #1: Violation of Rules & Regulations – SUSTAINED</p> <p>Allegation #2: Professionalism/Courtesy – SUSTAINED</p> <p>The evidence established that named PEO, while on-duty, inappropriately made contact with complainant in order to deliver personal legal papers and that named PEO used inappropriate language when communicating with complainant.</p> <p>Corrective action: One-day suspension without pay.</p>

STANDARDS OF CONDUCT: RULES/REGULATION

Synopsis	Action Taken
It is alleged that Department employee continued to park in the SeaPark Garage after being advised that he was not authorized to park there.	<p>Allegation: Violation of Rules/Regulations – SUSTAINED</p> <p>Evidence established named employee was not authorized to park in the garage and had been previously advised not to park in the garage.</p> <p>Corrective action; Pending.</p>
It is alleged a Parking Enforcement Officer assigned to the SeaPark Garage on a light duty assignment used, without proper authorization and for personal benefit, a parking space in the garage during her light duty assignment.	<p>Allegation: Violation of Rules & Regulations – SUPERVISORY INTERVENTION</p> <p>The evidence established the named PEO was using a parking space for personal benefit absent proper authorization but that some confusion existed regarding who had authority to grant the PEO such permission.</p> <p>Corrective action: Supervisor of named PEO counseled named PEO about obtaining proper authorization and taking responsibility for clarifying confusing situations when necessary.</p>
Complainant, to who named Parking Enforcement Officer had previously issued a parking citation, alleged named PEO issued him another undeserved parking citation in retaliation for complainant having made a complaint against named PEO for the first citation.	<p>Allegation: Retaliation Against a Complainant – NOT SUSTAINED</p> <p>The evidence established that the named PEO had a lawful justification for issuing the parking citations and did not establish a malicious motive for the issuance of the citations.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
Complainant, whose car had been cited for parking violations 28 times in the previous 16 months, alleged the Parking Enforcement Officer's "diction" and "vernacular" constituted rude behavior toward him.	<p>Allegation: Professionalism/Courtesy – NOT SUSTAINED</p> <p>The evidence is insufficient to establish whether the alleged misconduct occurred.</p>
Motorist, confused by downtown traffic construction zone, alleged an unknown officer responded rudely to her when she asked him for directions.	<p>Allegation: Professionalism/Profanity – NOT SUSTAINED</p> <p>Unknown officer</p> <p>OPA, despite significant investigative effort, could not identify a possible named officer.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
Complainant, after being issued a parking citation by named Parking Enforcement Officer, alleged the PEO inappropriately wiped his hand on complainant's shirt sleeve.	<p>Allegation: Professionalism/Courtesy – SUSTAINED</p> <p>The evidence established named PEO, believing complainant had spewed saliva on his arm while talking to him, attempted to wipe the saliva off his arm by wiping his arm on complainant's shirt sleeve.</p> <p>Corrective action: One-day suspension without pay and training on behaving courteously with people in stressful situations.</p>
Complainant, one of several bicyclists in a group that two Department bicycle officers were attempting to stop for driving against several traffic signals, alleged named Department bicycle officer #1 was rude to him and that named patrol officer #2 should not have pulled his patrol car in front of complainant to stop him as complainant was riding down the street, contributing to complainant running his bicycle into the side of named officer #2's patrol car, precipitating a disturbance between complainant and named officer #2, resulting in the arrest of complainant.	<p>Named bicycle officer #1 Allegation: Professionalism/Courtesy – NOT SUSTAINED</p> <p>Named patrol officer #2 Allegation: Professionalism/Discretion – SUSTAINED</p> <p>The evidence established named bicycle officer #1 was not rude and that named patrol officer #2, a relatively inexperienced officer, failed to exercise prudent judgment when he pulled his patrol car in front of a moving bicycle in order to stop it from running through traffic signals, consequently resulting in an avoidable escalation of the situation beyond its initial significance.</p> <p>Corrective action for named officer #2: (a) four-day suspension without pay, 3 days held in abeyance for one year on condition of no further similar incidents and (b) retraining on safe patrol car operation.</p>
Complainant, a bus driver who had called 911 for officers to respond and investigate a traffic collision in which he had been involved, alleged named officer was rude to him.	<p>Allegation: Professionalism/Courtesy – UNFOUNDED</p> <p>The evidence established that the named officer was not rude as alleged by complainant and handled the traffic collision investigation appropriately.</p>
It is alleged that named 911 operator was quarrelsome and bickered with callers to 911.	<p>Allegation: Professionalism/Courtesy – SUSTAINED</p> <p>The evidence established the named 911 operator was argumentative with complainant.</p> <p>Corrective action: Written apology to complainant from named 911 operator.</p>
It is alleged that an unknown Department employee, during a contract bidding process involving the Department, inappropriately released confidential information to a party involved in the bidding process.	<p>Allegation: Professionalism/Discretion – ADMINISTRATIVELY UNFOUNDED</p> <p>The evidence established that the information at issue had not been improperly disclosed and that there was no misconduct as alleged.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
Complainant, who had been involved in a traffic collision with a bus, alleged the investigating officer, named officer #1, was rude to her and that named officer #2, an acting sergeant, told her that named officer #1 had a history of such problematic behavior.	<p>Allegation: Professionalism/Rudeness – UNFOUNDED Named officer #1</p> <p>Allegation: Professionalism/Criticism of Others – NOT SUSTAINED Named officer #2</p> <p>The evidence established named officer #1 was not rude while talking with complainant and completing the necessary traffic collision reports. The evidence that named officer #2 spoke to complainant disparagingly about the conduct history of named officer #1 did not permit a determination of whether the alleged misconduct occurred or not.</p>
Complainant, whom named officer had arrested on an outstanding warrant, complained to his Department of Corrections Officer that named officer had inappropriately touched him and made rude comments to him while being searched.	<p>Allegation #1: Professionalism/Discretion – UNFOUNDED Allegation #2: Professionalism/Courtesy – UNFOUNDED</p> <p>The evidence, including videotape, established that the alleged misconduct simply did not occur and that named officer acted in compliance with Department policy.</p>
Complainant, while attempting to report a theft incident to 911 operator, alleged the 911 operator was rude to her and attempted to dissuade her from reporting the theft incident.	<p>Allegation #1: Professionalism/ Discretion – SUSTAINED Allegation #2: Professionalism/Courtesy – SUSTAINED</p> <p>The evidence established named operator was rude to complainant and did attempt to inappropriately dissuade her from reporting the incident as she wished to report it.</p> <p>Corrective action: Three-day suspension without pay.</p>
It is alleged named patrol officer, while at a crime scene, inappropriately photographed a portion of the scene with his cell phone camera and distributed that photograph to a fellow officer.	<p>Allegation: Professionalism/Discretion – SUSTAINED</p> <p>The evidence established named officer inappropriately photographed a portion of the crime scene and conveyed it to another officer in violation of Department policy.</p> <p>Corrective action: One-day suspension without pay and work on Department's social networking policy regarding proper use of on-line media devices.</p>
It is alleged named officer, after being cited by a neighboring jurisdiction for a traffic infraction while off-duty, posted inappropriate comments on his social networking site related to his experience.	<p>Allegation: Professionalism/Discretion – SUPERVISORY INTERVENTION</p> <p>The evidence established named officer posted inappropriate comments on his personal social networking site that had a nexus to the Department and could reasonably be interpreted to have tarnished the business reputation of the Department.</p> <p>Corrective action: Named officer's supervisor directed named officer to discuss his comments with co-workers whom his comments may have offended and to contribute to the Department's social networking policy development.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
Complainant alleged named officer refused to complete a police report demanded by complainant.	<p>Allegation: Professionalism/Completion of Report – NOT SUSTAINED</p> <p>The evidence established that there was no clear refusal to complete the desired report and that confusion between complainant and named officer may have contributed to the misunderstanding.</p>

STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

Synopsis	Action Taken
It is alleged two named officers failed to follow Department policy when processing money taken into evidence as a part of the processing of an arrest.	<p>Allegation: Mishandling Evidence – NOT SUSTAINED for both named officers.</p> <p>The evidence could not establish whether it was the processing by the named officers or by the bank or a simple arithmetic miscalculation that resulted in the discrepancy between the amount of money documented in the investigative reporting process and the amount of money in the currency envelop when the bank opened it.</p>
It is alleged named officers failed to follow Department policy when processing money taken into evidence as a part of the processing of an arrest.	<p>Allegation: Mishandling Evidence –SUSTAINED for both named officers.</p> <p>The evidence established named officers failed to follow Department policy for handling cash seized during an arrest.</p> <p>Corrective action: Written reprimand for both named officers and author memo to their commander addressing “best practices” for handling cash acquired during a “buy-bust” narcotics enforcement effort.</p>
Complainant, whom officers had been dispatched to remove from private property alleged three months after the incident that his wallet was missing after his contact with named officers. During the ensuing OPA investigation, it was alleged named officers failed to operate their in-car video system in compliance with Department policy and failed to notify their supervisor at the time of the incident of their actions, as required by Department policy.	<p>For both named officers</p> <p>Allegation #1: Failure to Safeguard Property – UNFOUNDED</p> <p>Allegation #2: Arrest Procedure/Failing to Notify Supervisor –EXONERATED</p> <p>Allegation #3: Failure to Operate In-car Video System – UNFOUNDED</p> <p>The evidence established named officers did not engage in the misconduct alleged and properly notified their supervisor, it was also determined that the In-car Video System was properly activated at the time named officers handled complainant.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant, who had been booked into jail for burglary and malicious mischief of a church, and after having jumped naked through a glass window at the church, was mistakenly released from jail and alleged named officers who were attempting to take him back into custody used unnecessary force on him.	<p>Allegation: Unnecessary Use of Force – EXONERATED Three named officers</p> <p>The evidence established named officers used reasonable and necessary force in taking complainant back into custody.</p>
Complainant, whom a domestic violence advocacy group had called to the attention of police as possibly suicidal, alleged responding patrol officers used unnecessary force when they took her into custody for an involuntary mental health evaluation.	<p>Allegation: Unnecessary Use of Force – UNFOUNDED Two named officers</p> <p>The evidence established complainant's version of the incident was unsupported by evidence other than her assertions and that named officers acted reasonably and in the best interests of complainant.</p>
Complainant, the mother of a juvenile son, alleged named officer used unnecessary force on her son, who had suffered a gunshot wound to his foot, as her son was being treated at the hospital.	<p>Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence clearly established complainant's son was disruptive, uncooperative, and aggressive with medical staff at the hospital and had to be controlled and restrained by hospital staff and hospital security staff.</p>
Complainant, who was being escorted from a concert at the Seattle Center by named officer, alleged named officer used unnecessary force when escorting him out of the building.	<p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established named officer merely held on to complainant's elbow as she walked along side of him while escorting him out of the building after he had been ejected by event security staff.</p>
Complainant, 9 months after the alleged incident, complained to OPA that unknown officers, during the course of investigating a possible theft of a Salvation Army collection kettle, had inappropriately placed him on the ground and frisked him as a possible suspect.	<p>Two named officers</p> <p>Allegation #1: Unnecessary Use of Force – UNFOUNDED for both named officers. Allegation #2: Improper Search – UNFOUNDED for both named officers.</p> <p>The evidence established that the two named officers investigated and reported the incident thoroughly and appropriately and were not involved with complainant. The evidence did not justify identifying any other officer as possibly engaging in the misconduct alleged by complainant.</p>
Complainant, whom named officer arrested for a \$50,000 warrant, alleged named officer "roughed him up."	<p>Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence, including in-car video and holding cell video, established the alleged misconduct simply did not occur.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant, who observed named officers remove an intoxicated person from a Metro bus, at the request of the Metro bus driver, alleged named officers unnecessarily twisted the arm of the person they were removing.	<p>Two named officers</p> <p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established named officers used only minimal, necessary, and reasonable force as they guided the intoxicated person off the bus and arranged transportation for him to a detoxification center.</p>
Complainant, one of four passengers in a car stopped for suspicion of having pointed a handgun at a pedestrian, alleged named officers used unnecessary force when stopping and frisking him.	<p>Named officer #1 Allegation: Unnecessary Use of Force -- UNFOUNDED</p> <p>Named officer #2 Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established named officer #1 did not use force and that named officer #2 used minimal, reasonable, and necessary force when he contacted complainant for felony car stop. Notably, a realistic looking BB gun was located in the vehicle during the stop.</p>
Complainant, the mother of a juvenile child involved in a large family disturbance to which officers had been dispatched, alleged named officer used unnecessary force when he nudged her away from officers as she attempted to intervene on behalf of another family member involved in the disturbance.	<p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established named officer used minimal, reasonable, and necessary force in his attempt to manage the complainant, who was emotional and involved in the family disturbance in a confined space in the family home.</p>
Complainant, whom several officers observed in downtown Seattle shouting, jumping around, and dancing in the street obstructing traffic, apparently intoxicated or high on drugs, alleged some unknown officer broke his hand and directed inappropriate language at him.	<p>Unknown officer</p> <p>Allegation #1: Unnecessary Use of Force – EXONERATED Allegation #2: Use of Derogatory Language –UNFOUNDED</p> <p>The evidence established complainant was in the street acting bizarrely and dancing among moving vehicles when several officers observed him. One officer escorted complainant out of the street but the force used was minimal. Evidence did not suggest the minimal force applied by the one officer could have even remotely have caused a broken wrist. Other than the complainant's assertion, unsupported by any other evidence, there was no evidence any officer used inappropriate language toward complainant.</p>
Complainant alleged named detective used unnecessary force in arresting her on an outstanding warrant.	<p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established named detective used only reasonable and necessary force when taking complainant into custody.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant, along with his wife, were issued a pedestrian citation as they were crossing a street after a sporting event at Safeco Field alleged that named officer twisted his arm, threatened to beat him, and attempted to punch him in the face after complainant had "flipped him."	<p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence, including observations of third-party witnesses, established complainant and his wife were uncooperative and disruptive and that named officer acted professionally and only touched complainant's arm as he escorted him out of the street after complainant had refused directions to move to a safer location.</p>
Complainant, whom nightclub security had ejected from the premises for assaulting a server at the club, alleged named officers used unnecessary force when they took him to the ground to arrest him.	<p>Two named officers</p> <p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence established the named officers used reasonable and necessary force to control an uncooperative suspect (complainant) whom they were attempting to arrest him for assaulting a server at a nightclub and that the named officers properly reported the incident.</p>
Complainant alleged an unknown officer, for no reason, grabbed his arm and used inappropriate language toward him as complainant was crossing a street near Safeco Field after a sporting event.	<p>Unknown officer</p> <p>Allegation #1: Unnecessary Use of Force – ADMINISTRATIVELY EXONERATED Allegation #2: Professionalism/Courtesy – ADMINISTRATIVELY EXONERATED</p> <p>The evidence, consisting of complainant's version of what occurred, evaluated in a light most favorable to the complainant, does not establish that the unknown officer engaged in any misconduct.</p>
Complainant, who was standing on the sidewalk near Quest Field after a sporting event, alleged named officer, when she pushed an apparently intoxicated male who was running at her away from her, inadvertently caused the intoxicated male to bump into complainant, causing pain to complainant's chest.	<p>Unnecessary Use of Force – EXONERATED</p> <p>The evidence established that named officer used reasonable and necessary force to protect herself from an apparently intoxicated individual who was running out of control toward her. Any inadvertent contact between the intoxicated man and the complainant did not constitute misconduct by the named officer.</p>
Complainant alleges, 10 months after his interaction with named officers, that they used unnecessary force on him when they arrested him for harassment of school staff.	<p>Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>Two named officers</p> <p>The evidence established named officers used only reasonable and necessary force when arresting complainant and that the incident did not occur as complainant alleged.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant, after reporting suicidal tendency, alleged responding patrol officers used unnecessary force when taking him into custody for transportation to a hospital for an involuntary mental health.	<p>Allegation: Unnecessary Use of Force -- UNFOUNDED Two named officers.</p> <p>The evidence clearly established named officers used minimal, necessary, and reasonable force in order to ensure complainant made it safely to the hospital for his mental health evaluation and to protect him from himself.</p>
Complainant alleged named officer used unnecessary force when taking her into custody.	<p>Allegation: Unnecessary Use of Force – EXONERATED</p> <p>The evidence, including in-car video, established named officer used only minimal, reasonable, and necessary force to control complainant and take her into custody.</p>
Complainant alleged named officer used unnecessary force when he took her into custody for a mental health evaluation.	<p>Allegation: Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence established named officer used reasonable and necessary force to ensure complainant made it to a hospital for mental health evaluation for her own welfare.</p>
Complainant, whom named officers were trespassing from a hotel at the request of the hotel management, alleged named officers “jacked me up.”	<p>Two named officers</p> <p>Allegation: Unnecessary Use of Force – NOT SUSTAINED for both named officers</p> <p>The evidence does not establish whether named officers used more force than was required to control complainant but does establish named officers were justified in using the force that was reported.</p>
Complainant, two months after several patrol officers had on-viewed a minor disturbance at a downtown bar and handled it without making any arrests or needing to complete a General Offense Report, alleged an unknown officer at the scene, for no reason, grabbed his arm and threw him to the ground, breaking his knee.	<p>Unknown officer</p> <p>Allegation: Unnecessary Use of Force – ADMINISTRATIVELY INACTIVATED</p> <p>The evidence, including in-car video and WACIC records review, demonstrates complainant possibly had contact with some Department officer the night he alleges his knee was injured but the evidence is not sufficient to establish the identity of any officer complainant may have contacted or even if the contact was at the location that complainant asserts it occurred. After exhausting available leads, the case was inactivated pending the discovery of additional evidence warranting further investigation.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
<p>Complainant, after leaving a sporting event at Qwest Field, phoned the West Precinct to state a “blue shirted officer” threatened to Taze him and his friend and pushed his friend against a wall, all for absolutely no reason.</p>	<p>Unknown officer</p> <p>Allegation: Unnecessary Use of Force – ADMINISTRATIVELY INACTIVATED</p> <p>The evidence suggests the complainant may have been intoxicated at the time of the alleged incident and at the time of his phone call to the West Precinct. The complainant, when contacted by OPA, stated neither he nor his friend wanted the Department to conduct any follow up to his phone call complaint. Available evidence did not warrant further investigation. After exhausting available leads, the case was inactivated pending the discovery of additional evidence warranting further investigation.</p>

Mediation Program:

The OPA Director selected 14 cases to be resolved through the Mediation Program during March, April and May of 2010.

Of the 14 cases that were selected for mediation, 2 officers declined to mediate, 4 complainants declined to mediate, 2 complainants have not responded to OPA correspondence, 3 cases were resolved through mediation, 2 cases are scheduled for mediation in June and 1 case is currently being scheduled for a mediation session.

1 mediation session reported last month, commenced in May 2010 and adjourned for 6 months at the request of the mediator.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not Sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Cases Opened (2008/2009 by Month Comparison)

	PIR		SR		LI		IS		TOTAL	
Date	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010
1/1-1/31	18	8	3	8	1	1	15	12	37	29
2/1-2/28	14	18	6	9	2	1	8	16	30	44
3/1-3/31	16	30	3	6	6	1	15	16	40	53
4/1-4/30	15	31	6	9	5	3	12	13	38	56
5/1-5/31	20	15	10	10	3	3	9	23	42	51
6/1-6/30	14		9		3		8		34	0
7/1-7/31	16		11		0		17		44	0
8/1-8/31	16		9		1		14		40	0
9/1-9/30	21		9		1		16		47	0
10/1-10/31	21		8		1		13		43	0
11/1-11/30	23		10		3		14		50	0
12/1-12/31	19		4		0		7		30	0
Totals	213	102	88	42	26	9	148	80	475	233



